

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

EDWARD EUGENE YOUNG, SR.,	:	
Petitioner,	:	
	:	
v.	:	CA 03-257 T
	:	
STATE OF RHODE ISLAND, et al.	:	
Respondents.	:	

**ORDER
DENYING WITHOUT PREJUDICE
MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS**

Before the Court is the Motion for Leave to Appeal in Forma Pauperis from the Rhode Island District Court 03-257-T ("Motion") filed by Petitioner Edward Eugene Young, Sr. ("Petitioner"). The Motion is denied without prejudice.

Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a)(1) and a copy of his prisoner trust fund account statement (or institutional equivalent). However, that copy is not certified by an appropriate official at the Adult Correctional Institutions ("ACI"), where Petitioner is currently confined, as directed by 28 U.S.C. § 1915(a)(2).¹

¹ Section 1915(a) provides that:

(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, **or appeal therein**, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), **shall submit a certified copy of the trust fund account statement (or institutional equivalent)**

Accordingly, the Motion is denied without prejudice. Petitioner may refile the Motion along with a certified copy of his prisoner trust fund account statement (or institutional equivalent), obtained from an appropriate official at the ACI, by May 8, 2009.

So ordered.

ENTER:

/s/ David L. Martin
DAVID L. MARTIN
United States Magistrate Judge
April 17, 2009

for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a) (bold added).